



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202 – 2733

September 13, 2016

Office of the Regional Administrator

The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter dated August 24, 2016, to Ms. Gina McCarthy, Administrator, U.S. Environmental Protection Agency, concerning your interest in the progress being made regarding water quality within the Illinois River Watershed. Your letter was forwarded to me as Arkansas and Oklahoma fall under my jurisdiction.

The EPA is pleased to share with you that we remain fully committed to the cooperative approach you describe, and to underscore that our commitment has never wavered in that regard since we began this project in late November 2009. Moreover, the EPA would be happy to elaborate on information regarding recent progress on developing a model for the Illinois River Watershed, progress that is the direct result of our having worked closely with our state and tribal partners.

Over the last six months, the EPA has convened four meetings with representatives of stakeholder agencies to discuss and work through technical comments/concerns based on their reviews of the modeling reports. The agencies represented in this technical workgroup include: the Arkansas Natural Resources Commission; the Arkansas Department of Environmental Quality; the Oklahoma Conservation Commission; the Oklahoma Water Resources Board; the Oklahoma Department of Environmental Quality; and, the Oklahoma Department of Agriculture, Food, and Forestry. In addition, Mr. Tom Elkins of the Cherokee Nation and Dr. Brian Haggard of the Arkansas Water Resources Center (University of Arkansas) participate. We have had energetic discussions around many issues including, for example, those related to rainfall; spatial and temporal application of litter; inconsistencies in simulated versus monitored flow, especially in consideration of drought conditions that existed in parts of 2005-2006; and additional sources of nutrients in the watershed, to name just a few. These discussions have been informative and helpful in guiding the Agency to include and accommodate a number of changes to improve both the watershed and lake models.

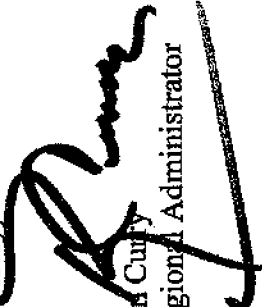
The EPA welcomes all stakeholder comments provided both before and during the upcoming formal public participation process, and continues to be open and transparent regarding our progress in developing the Illinois River Watershed models. The EPA's public release of various modeling reports and our overall engagement with the broad spectrum of stakeholders reflects the EPA's recognition of the significant public interest in our model development efforts. Enclosed is a copy of our recent correspondence with the Northwest Arkansas Regional Planning Commission as an example of our efforts to address stakeholder comments while we continue working to refine the models. The EPA has also received a number of comments from industry representatives and their consultants.

Many of these stakeholder comments present the same or similar issues as those raised in comments made by members of the technical workgroup. Thus, we have been considering and we continue to address both municipal and industrial stakeholder concerns as we work through the issues raised by the technical workgroup.

As the EPA continues our efforts to develop and refine the Illinois River and Lake Tenkiller models, we remain fully committed to the use of sound science and appropriate modeling methodologies, as well as to the principles of public involvement in decision-making. Therefore, to ensure the models we provide are scientifically defensible and reflect public review and input, we intend to engage watershed stakeholders and the general public this fall to provide an overview of the watershed and lake models and to request public comments on both. We anticipate making the revised models available for the public review and comment, and we will continue to engage our technical workgroup as we make any additional changes based upon stakeholder and public comments submitted, including but not limited to any concerns regarding the model's calibration and validation.

After the EPA has thoroughly considered all public, stakeholder, and workgroup comments, our intent is to provide our partner agencies a set of water quality models supported by a rigorous technical basis for the eventual development of total maximum daily loads. However, the EPA will not suggest any wasteload or load allocations without thoroughly consulting with principal representatives of key agencies in both states. As mentioned in your letter, infrastructure investments, implementation of nutrient management plans, and other efforts by communities and landowners already have contributed to a degree of water quality improvement in the Illinois River Watershed. More remains to be done so that both state's water quality standards can be met and all designated uses can be restored, and we look forward to continuing our support for future efforts.

If you have any questions, please contact me at (214) 665-2100, or your staff may contact Mr. Cary Martindale, Congressional Liaison, at (214) 665-8147.

Sincerely,  
  
Ron Cuffy  
Regional Administrator

Enclosure

Identical letters sent to:

- |  |  |
|--|--|
| The Honorable Jim Inhofe<br>United States Senate           | The Honorable Tom Cotton<br>United States Senate       |
| The Honorable James Lankford<br>United States Senate       | The Honorable Steve Womack<br>House of Representatives |
| The Honorable Markwayne Mullins<br>House of Representative |  |

Congress of the United States  
Washington, DC 20510

August 24, 2016

Administrator Gina McCarthy  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator McCarthy:

Both the Arkansas and Oklahoma delegations remain interested in the progress being made regarding water quality within the Illinois River Watershed. Monitoring in Arkansas and Oklahoma provides strong scientific evidence that excess nutrient levels continue to fall, as numerous investments kick-in to reduce phosphorus loading. However, there is still work to be done and the two states are engaged in a productive joint study of phosphorus levels in the watershed to ensure the most accurate and appropriate phosphorus standard is applied going forward. We write to urge the EPA to renew its commitment to work cooperatively with state agencies, tribes, and the many other diverse stakeholders who share an interest in the Illinois River. In particular, we write regarding the status of the EPA's Project for Water Quality Modeling and TMDL Development for the Illinois River Watershed.

The Clean Water Act's TMDL process can serve as one mechanism to define the work that remains to be accomplished, but only if that process is scientifically sound and guided by the states that will ultimately have to manage its outcomes. The EPA has made assurances that states, tribes, and other stakeholders are a part of the process and that EPA will make future deliverables and the model available for review at key points in the project before the model is finalized. The input and buy-in of watershed stakeholders is a crucial part of the process as many of them have borne and will continue to bear the responsibility and cost of reducing phosphorus levels in the Illinois River watershed.

Last year, the EPA announced that it "is making available the Illinois River Watershed Modeling Program." The announcement continued that "EPA has completed its internal calibration and validation of both model's operating systems, and has completed an independent peer review of the Modeling Program." Based on input we've received from our constituents, we're concerned at this point that the models developed to form the basis of the TMDL are flawed and unsuitable for the high stakes decisions that must be made in our respective states. We recognize that the EPA has been working with both states to address the concerns that have been raised and it is our hope that internal calibration and validation of the models' operating systems will not be completed prior to full consideration of comments and feedback received following the release of the Modeling Program. EPA Region 6 and the contractor must have the full resources necessary to reopen, recalibrate, and revalidate the models in response to comments, including significant science-based feedback, that have been provided to the agency.

Accordingly, we would like to receive a thorough written response in order to get an update from EPA on its plans to rectify what we currently understand is a flawed process. Included in this update, we would like to know what EPA is doing to address the mutual concerns raised by both of our states, EPA's plans for finalizing its models and soliciting additional stakeholder input prior to


utilizing the models for TMDL development, the proposed process for including the states and stakeholders in assigning load reductions and other measures within the TMDL development process, and EPA's proposed timeline for accomplishing all these tasks.

It's important to reiterate that due to ongoing efforts, notable water quality improvements are continuing in the absence of TMDLs and additional regulations. These significant decreases in phosphorous loads are because communities and landowners in Arkansas and Oklahoma have made significant investments in water infrastructure, nutrient management plans, and volunteer efforts through community-supported non-profit groups like the Illinois River Watershed Partnership.

We believe a great deal more phosphorus will be removed from the watershed in the future, but only through the cooperative efforts of the states and watershed stakeholders. Finalizing TMDLs or other regulatory measures without addressing the significant concerns raised by the states or enlisting the help and support of watershed stakeholders could easily undermine all the great progress made to-date. It is only through sound science supported by the experts within our state environmental agencies and reasonable controls supported by our communities and industries that we will continue to make significant progress in improving water quality in our shared watershed.


Thank you for your attention to this letter. We request that you act upon the concerns we have raised and provide a thorough written response to address these concerns and requests as quickly as possible. Please do not hesitate to contact us with any questions or concerns you may have.

Sincerely,

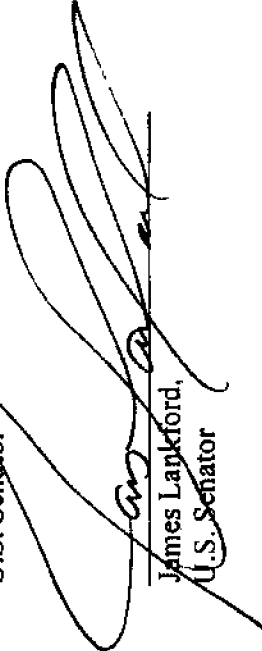
  
John Boozman,  
U.S. Senator




Tom Cotton,  
U.S. Senator

  
Steve Womack,  
Member of Congress

  
Jim Inhofe,  
U.S. Senator

  
James Lapkford,  
U.S. Senator

  
Markwayne Mullin,  
Member of Congress